

HOUSE BILL 1172

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HB 876/02 - JUD

2003 Regular Session  
3r2521

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By: **Delegate Kaiser**

Rules suspended

Introduced and read first time: March 4, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Crime of Violence - Child Sexual Abuse**

3 FOR the purpose of adding the crime of sexual abuse of a child to the list of crimes of  
4 violence for which certain enhanced penalties shall be applied to certain  
5 offenders; and generally relating to crimes of violence.

6 BY repealing and reenacting, with amendments,  
7 Article - Criminal Law  
8 Section 14-101  
9 Annotated Code of Maryland  
10 (2002 Volume)

11 **Preamble**

12 WHEREAS, In the Spring of 2001, a task force was created by the Secretary of  
13 Public Safety and Correctional Services and the Secretary of Health and Mental  
14 Hygiene to study the many issues presented by sex offenders in the criminal justice  
15 and mental hygiene systems; and

16 WHEREAS, The task force heard extensive testimony from public safety experts  
17 and mental health professionals; and

18 WHEREAS, One of the task force's strongest recommendations is that the crime  
19 of sexual abuse of a child should be classified as a crime of violence; and

20 WHEREAS, Classifying sexual abuse of a child as a crime of violence means the  
21 offender may be subject to enhanced imprisonment and would earn diminution  
22 credits at a reduced rate; and

23 WHEREAS, This recommendation would serve the community by keeping child  
24 sex offenders in confinement for the maximum time; now, therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Criminal Law**

2 14-101.

3 (a) In this section, "crime of violence" means:

4 (1) abduction;

5 (2) arson in the first degree;

6 (3) kidnapping;

7 (4) manslaughter, except involuntary manslaughter;

8 (5) mayhem;

9 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of  
10 the Code;

11 (7) murder;

12 (8) rape;

13 (9) robbery under § 3-402 or § 3-403 of this article;

14 (10) carjacking;

15 (11) armed carjacking;

16 (12) sexual offense in the first degree;

17 (13) sexual offense in the second degree;

18 (14) use of a handgun in the commission of a felony or other crime of  
19 violence;20 (15) **SEXUAL ABUSE OF A CHILD UNDER § 3-602 OF THIS ARTICLE;**21 [(15)] (16) an attempt to commit any of the crimes described in items (1)  
22 through [(14)] (15) of this subsection;

23 [(16)] (17) assault in the first degree;

24 [(17)] (18) assault with intent to murder;

25 [(18)] (19) assault with intent to rape;

26 [(19)] (20) assault with intent to rob;

27 [(20)] (21) assault with intent to commit a sexual offense in the first  
28 degree; and

1                    [(21)]    (22)    assault with intent to commit a sexual offense in the second  
2 degree.

3            (b)        This section does not apply if a person is sentenced to death.

4            (c)        (1)        Except as provided in subsection (g) of this section, on conviction for  
5 a fourth time of a crime of violence, a person who has served three separate terms of  
6 confinement in a correctional facility as a result of three separate convictions of any  
7 crime of violence shall be sentenced to life imprisonment without the possibility of  
8 parole.

9                    (2)        Notwithstanding any other law, the provisions of this subsection are  
10 mandatory.

11            (d)        (1)        Except as provided in subsection (g) of this section, on conviction for  
12 a third time of a crime of violence, a person shall be sentenced to imprisonment for  
13 the term allowed by law but not less than 25 years, if the person:

14                            (i)        has been convicted of a crime of violence on two prior separate  
15 occasions:

16    1.        in which the second or succeeding crime is committed after  
17 there has been a charging document filed for the preceding occasion; and

18    2.        for which the convictions do not arise from a single  
19 incident; and

20                            (ii)        has served at least one term of confinement in a correctional  
21 facility as a result of a conviction of a crime of violence.

22                    (2)        The court may not suspend all or part of the mandatory 25-year  
23 sentence required under this subsection.

24                    (3)        A person sentenced under this subsection is not eligible for parole  
25 except in accordance with the provisions of § 4-305 of the Correctional Services  
26 Article.

27            (e)        (1)        On conviction for a second time of a crime of violence committed on or  
28 after October 1, 1994, a person shall be sentenced to imprisonment for the term  
29 allowed by law, but not less than 10 years, if the person:

30                            (i)        has been convicted on a prior occasion of a crime of violence,  
31 including a conviction for a crime committed before October 1, 1994; and

32                            (ii)        served a term of confinement in a correctional facility for that  
33 conviction.

34                    (2)        The court may not suspend all or part of the mandatory 10-year  
35 sentence required under this subsection.

1 (f) If the State intends to proceed against a person as a subsequent offender  
2 under this section, it shall comply with the procedures set forth in the Maryland  
3 Rules for the indictment and trial of a subsequent offender.

4 (g) (1) A person sentenced under this section may petition for and be  
5 granted parole if the person:

6 (i) is at least 65 years old; and

7 (ii) has served at least 15 years of the sentence imposed under this  
8 section.

9 (2) The Maryland Parole Commission shall adopt regulations to  
10 implement this subsection.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2003.